Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No.

IN THE

Supreme Court of the United States

PAULL ANDERSON,

Petitioner,

v.

JULIUS JENNINGS WADE, JR., JAMES H. WADE, MARGARET L. GODLEY, GODLEY, INC., AND WADE AND WADE, ATTORNEYS AT LAW,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE NORTH CAROLINA MECKLENBURG COUNTY
SUPERIOR COURT

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

I. By refusing to enforce petitioner's federal money judgment did the North Carolina Courts decide important federal questions in a way that conflicts with controlling, relevant decisions of this Court and the constitutional authority of Art. IV Sec. 1, Art. I Sec. 9, Art. III Sec. 2, and Article VI, which compel enforcement of petitioner's final federal judgment?

II. Did the North Carolina court decide important federal questions in a way that conflicts with relevant decisions of this Court and act in violation of the Fourteenth Amendment guarantees of equal justice, fundamental fairness and due process in failing to properly consider the *pro se* petitioner's memorandum and its controlling authority compelling the enforcement of petitioner's final federal judgment?

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The North Carolina Mecklenburg County Superior Court decided the case by unpublished written order (Appendix A). The North Carolina Court of Appeals denied discretionary review by unpublished written order (Appendix C). The North Carolina Supreme Court denied discretionary review by unpublished written orders (Appendix B and Appendix D).

STATEMENT OF JURISDICTION

This petition is sought from the 12 December 2003 order of North Carolina Mecklenburg County Superior Court Judge Marvin K. Gray denying petitioner's motion to enforce his federal judgment. That order was subsequently appealed to the North Carolina Court of Appeals and the North Carolina Supreme Court, both of which refused to review and/or adjudicate the merits of the federal judgment or Judge Gray's order and to enforce the judgment. On 6 April 2005, the North Carolina Supreme Court issued its order denying final discretionary review of Judge Gray's order.

CONSTITUTIONAL PROVISIONS INVOLVED

1. Article IV, Section 1
2. Article I, Section 9
3. Article III, Section 2
4. Article VI
5. XIVth Amendment

STATEMENT OF THE CASE AND FACTS

This case arises out of a fraudulent land transaction in Kentucky where the respondents, since the 1980's, have been systematically ripping off their victims peddling Margaret Godley's bogus Kentucky land patents through her shell company, Godley Inc. In 1992, Federal District Judge Henry Wilhoit held the Godley title "null and void" in a case where Godley was a party and the Wades represented her. *Bessie Berry, et al. v. Cyprus Coal Co., et al*, unpublished Opinion No. 84-53 (E.D. Ky. March 20, 1992) A year later, the Sixth Circuit fully affirmed Judge Wilhoit's ruling. *Berry, v. Cyprus Coal,* unpublished Opinion 1993 WL 78780 (6th Cir. March 19, 1993) Notwithstanding, and in defiance of the rulings, the respondents have continued to repeatedly peddle Godley's bogus land title for amounts ranging from $3 through $28 million looting millions of dollars in cash and millions more in bogus IRS tax deductions. The Wades are admitted/convicted criminals and disbarred lawyers. Godley and the Wades are the controlling operatives of the interstate network of notorious criminals peddling the bogus title. Today, most of the network members are in federal prisons. U.S. Attorney Guy Blackwell called the network "a den of snakes." None of the stolen millions has ever been recovered by any of the victims.

Two months after the Sixth Circuit ruling the respondents victimized the petitioner. The ruthless respondents stole his money, cost him additional huge losses in cash and the loss of the family farm and his small business, and left him deeply in debt. Following discovery of the fraud and unable to afford a lawyer, the petitioner was forced to sue, *pro se*, in 1994 in the Federal District Court for the Eastern District of Kentucky. On 22 May 2000, Federal District Judge Joseph Hood awarded the petitioner $111,200.53 in compensatory damages and $500,000.00 in

punitive damages and characterized the defendants as "evil" in his unpublished memorandum opinion and order, *Anderson v. Wade, et al.*, No. 94-911 (E.D.Ky. June 14, 2000). On 29 March 2002 the U.S. Court of Appeals for the Sixth Circuit fully affirmed the judgment in its unpublished opinion, No. 00-6249.

Petitioner has since then been trying to enforce his Kentucky final federal court judgment in North Carolina and on 23 September 2003 petitioner properly filed an action in the office of the Clerk of the Superior Court, Mecklenburg County, North Carolina, pursuant to the N.C. Enforcement of Foreign Judgments Act, N.C.G.S. Section 1C-1703, *et seq.*

The respondents contended that the judgment is unenforceable in North Carolina because the punitive damages award exceeds the limitations imposed on punitive damages under the local laws/policies of N.C.G.S. Section 1C-1701, *et seq.* and Chapter 1D-25.

Petitioner subsequently moved to enforce judgment and the motion was set for hearing on 10 December 2003.

On 4 December 2003, a week prior to the scheduled hearing, petitioner submitted a MEMORANDUM IN SUPPORT OF MOTION TO ENFORCE FOREIGN JUDGMENT AND RESPONSE TO DEFENDANTS' MOTIONS AND DEFENSES ("Memorandum") to the presiding Superior Court Judge, Marvin K. Gray, who is retired and a resident of Charlotte along with the respondents and their lawyers. The Memorandum contained a plethora of controlling U.S. Supreme Court and Full Faith and Credit authority compelling the enforcement of the judgment. It contained the same authority now presented, *infra* and quoted verbatim, before this Court and it contained additional supporting authority.

At the 10 December 2003 hearing, after Judge Gray admitted that he had not even reviewed the Memorandum, the petitioner emphasized the importance of carefully reviewing his Memorandum and its crucial authority prior to ruling:

> And again, I emphasize the crucial importance of your Honor carefully later reviewing my brief and my case citations because if you don't do that and you depend just on what I say today...you know I'm not a lawyer and I'm doing the best I can, but I've tried to be comprehensive in my brief and it contains all the case authority...I respectfully request that your Honor carefully review my brief and my cases therein because they are my case, they are my argument, they are everything...it's necessary to refer to the brief and to the case citations...they go in detail...That's the authority I hang my hat on...the case law authority that I have submitted in detail in my brief. (T.pp.34, 44)

Notwithstanding, Judge Gray refused to review the Memorandum and its authority. Instead, he summarily denied petitioner's motion, without first reviewing the Memorandum. His ruling covered only conclusions of law, to wit:

> The Plaintiff's action to have a foreign judgment enforced in North Carolina is denied. It does not comply with the Rules of Civil Procedure, including Rule 60; it does not comply with Rule 1C-1703 of the General Statutes of North Carolina; it does not comply with Chapter 1D of the General Statutes of North Carolina; it is against the public policy of North Carolina, and it does not comply with other applicable Rules of Civil Procedure in North Carolina.(T.p.46)

Petitioner immediately objected to the ruling, and noted that the ruling had issued without reviewing the vital Memorandum and its compelling, controlling authority:

"Your Honor, I'd like to note that the objection is also based on the fact that your Honor has not granted review

of my brief and without reviewing my brief and the case law authority I believe I am being unfairly dealt with."(T.p.47)

The next day, the respondents' lawyers fabricated a dishonest, deceitful proposed order that intentionally corrupted and grossly misrepresented Judge Gray's actual ruling. It was intended to deny petitioner a fair appeal and justice and to defraud and deceive the appeals courts. The dishonest, deceitful, proposed order was sent to the petitioner, and was as follows:

> 1. Plaintiff has failed to comply with the mandatory requirements of Article 17,G.S. Section 1C-1701, et seq., particularly the provisions of N.C.G.S. Section 1C-1703. 2. Plaintiff has not met his burden under the provisions of N.C.G.S. 1C-1705, nor has he complied with the North Carolina Rules of Civil Procedure. 3. The Judgment Plaintiff seeks to enforce is contrary to the public policies of the State of North Carolina, particularly the provisions of Chapter 1D of the North Carolina General Statutes. 4. Because the judgment Plaintiff seeks to enforce is violative of the North Carolina Public Policy, it is unenforceable pursuant to the provisions of N.C.G.S. Section 1C-1708. Based upon the foregoing findings of fact, the Court concludes as a matter of law that the above referenced findings, jointly and severally, mandate that Plaintiff's Motion to Enforce Foreign Judgment should be denied. IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion to Enforce Foreign Judgment be and the same is, DENIED. Plaintiff's action is hereby DISMISSED WITH PREJUDICE and the Clerk hereby is Ordered to CANCEL the foreign Judgment which appears of record in